

Defendant's Full Name: **MILLSAP, MARCUS O**

**JUDGMENT AND COMMITMENT ORDER
IN THE CIRCUIT COURT OF POPE COUNTY, ARKANSAS
FIFTH JUDICIAL DISTRICT, CRIMINAL DIVISION**

On 4/6/2009 the defendant appeared before the Court, was advised of the nature of the charges(s), of constitutional and legal rights, of the effect of a guilty plea upon those rights, and of the right to make a statement before sentencing. The Court made the following findings:

Defendant's Full Name.....: **MILLSAP, MARCUS O**
 Date Of Birth.....: **[REDACTED]**
 Race.....: **WHITE**
 Sex.....: **MALE**
 SID #.....: **[REDACTED]**
 Defendant's Attorney.....: **ERNIE WITT**
 Prosecuting Attorney or Deputy.....: **DAVID L. GIBBONS**
 Change Of Venue From.....: **N/A**

Defendant was represented by: ☒ private counsel ☐ appointed counsel
☐ public defender ☐ himself/herself

Defendant made a voluntary, knowing and intelligent waiver of the right to counsel:
☐ Yes ☐ No

There being no legal cause shown by the Defendant, as requested, why judgment should not be pronounced, a judgment of conviction is hereby entered against the Defendant on each charge enumerated, fines levied, and court costs assessed. The Defendant is sentenced to the Arkansas Department of Correction (A.D.C.) for the term specified on each offense shown below.

TOTAL NUMBER OF COUNTS: 2

Offense # 1

Docket #: CR 2008-279

Arrest Tracking #: 15061721

A.C.A.# of Offense: 5-64-401

Name Of Offense: **CONTROLLED SUBSTANCE/CRIMINAL PENALTIES – delivery controlled substance**

Seriousness Level Of Offense: 7

Criminal History Score: **Unknown**

Presumptive Sentence: **Not Available**

Sentence is a departure from the sentencing grid: **No**

Offense is a **Felony**

Classification of Offense: **Y**

Sentence Imposed: **42 months 0 days.**

Suspended Imposition of Sentence: **36 months 0 days. Conditioned upon defendant living a law-abiding life – not committing any offense punishable by imprisonment – and upon defendant paying the financial obligations ordered herein.**

Defendant was sentenced as an Habitual Offender under A.C.A. 5-04-501, Subsections: ☐ (a) ☐ (b) ☐ (c) ☐ (d).

Sentence was enhanced by ☐ months pursuant to A.C.A. ☐.

Defendant ☐ attempted ☐ solicited ☐ conspired to commit the offense.

Offense Date: **3/7/2008**

Number of Counts: 1

Defendant was on ☐ probation ☐ parole at time of conviction.

Commitment on this offense is a result of the revocation of Defendant's probation or suspended imposition of sentence. **No**

Victim of the offense was ☐ under ☐ over the age of 18 years.

Defendant voluntarily, intelligently, and knowingly entered a

☒ **negotiated plea of guilty or nolo contendere.**

☐ plea directly to the court of guilty or nolo contendere.

Defendant

☐ entered a plea as shown above and was sentenced by a jury.

☐ was found guilty of said charge(s) by the court, and sentenced by ☐ the court ☐ a jury.

☐ was found guilty at a jury trial, and sentenced by ☐ the court ☐ a jury.

Defendant's Full Name : Millsap, Marcus O

Offense # 2

Docket #: CR 2008-279

Arrest Tracking # :

A.C.A.# of Offense: 5-64-401

Name Of Offense: CONTROLLED SUBSTANCE/CRIMINAL PENALTIES – poss cont substance

Seriousness Level Of Offense: 3

Criminal History Score: Unknown

Presumptive Sentence: Not Available

Sentence is a departure from the sentencing grid: No

Offense is a Felony

Classification of Offense: C

Sentence Imposed: 42 months 0 days.

Suspended Imposition of Sentence: 36 months 0 days. Conditioned upon defendant living a law-abiding life – not committing any offense punishable by imprisonment – and upon defendant paying the financial obligations ordered herein.

Defendant was sentenced as an Habitual Offender under A.C.A. 5-04-501, Subsections: __ (a) __ (b) __ (c) __ (d).

Sentence was enhanced by __ months pursuant to A.C.A. _____.

Defendant __ attempted __ solicited __ conspired to commit the offense.

Offense Date: 5/19/2008

Number of Counts: 1

Defendant was on __ probation __ parole at time of conviction.

Commitment on this offense is a result of the revocation of Defendant's probation or suspended imposition of sentence. No

Victim of the offense was __ under __ over the age of 18 years.

Defendant voluntarily, intelligently, and knowingly entered a

X negotiated plea of guilty or nolo contendere.

__ plea directly to the court of guilty or nolo contendere.

Defendant

__ entered a plea as shown above and was sentenced by a jury.

__ was found guilty of said charge(s) by the court, and sentenced by __ the court __ a jury.

__ was found guilty at a jury trial, and sentenced by __ the court __ a jury.

Defendant's full name : Millsap, Marcus O

Indicate which sentences are to run consecutively:

Death Penalty: Execution Date:
Total time to serve on all offenses listed above: 42 months.
Time is to be served at : Arkansas Department of Correction
Jail Time Credit: 0 days. 24B

Defendant was convicted of a target offense under the Community Punishment Act. The Court hereby orders that the Defendant be judicially transferred to the Department of Community Correction (D.C.C.). No
Failure to meet the criteria or violation of the rules of the D.C.C. could result in transfer to the A.D.C.

Defendant was convicted of a "drug crime," as defined in Act 1086 of 2007, and codified at A.C.A. 12-17-101 et seq. Yes

Fines \$ 850.00 Court Costs \$ 150.00 DNA Sample Fee (A.C.A. 12-12-1118) \$ 250.00
Drug Crime Special Assessment (A.C.A. 12-17-106) \$125.00 Booking and Admin. Fee (A.C.A. 12-41-505) \$25.00

A judgment of restitution is hereby entered against the Defendant in the amount and terms as show below:
Amount: Due immediately Installments of:

Payment to be made to:
If multiple beneficiaries, give names and show payment priority:

Defendant has been adjudicated guilty of an offense requiring registration as a sex offender, and is ordered to complete the Sex Offender Registration Form: No
Defendant adjudicated guilty of an offense requiring registration as a sex offender has been adjudicated guilty of a prior sex offense under a separate case number: No
Defendant is alleged to be a Sexually Violent Predator, and is ordered to undergo an evaluation at a facility designated by the Department of Correction pursuant to A.C.A. 12-12-918: No

Defendant has committed an aggravated sex offense, as defined in A.C.A. 12-12-903. No
Defendant was adjudicated guilty of a felony offense, a misdemeanor sexual offense, or a repeat offense (as Defined in A.C.A. 12-12-1103), and is ordered to have a DNA sample drawn at: the A.D.C. Yes


Defendant was informed of the right to appeal: No

Appeal Bond: \$ N/A

The County Sheriff is hereby ordered to transport the Defendant to: the Arkansas Department of Correction.

The short report of circumstances attached hereto is approved.

Date: 4-6-09 Circuit Judge:

Signature: 

I certify this is a true and correct record of this Court.

Date: 4/7/09 Circuit Clerk/Deputy:



(Seal)

Form Revised 8/2007

